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Mexico

Food and Agricultural Import Regulations and Standards

New Phytosanitary Requirements for Dry Beans 2003

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Report Highlights:

Pursuant to the Mexican Ministry of Agriculture's (SAGARPA) cancellation of emergency standard NOM-EM-041-FITO-2003 which had set onerous requirements on the importation of dry edible beans, SAGARPA published on its website the new phytosanitary requirements for the importation of dry beans from the United States, Canada, Chile and Nicaragua. With these new requirements, U.S. exports of dry beans to Mexico are expected to resume.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Mexico [MX1]
[MX]

Pursuant to its cancellation on May 23, 2003 (see MX3075), in the Diario Oficial, of emergency regulation NOM-EM-041-FITO-2003 which had established the phytosanitary requirements for imported dry beans for human consumption (see MX3047), the Mexican Ministry of Agriculture (SAGARPA) published on its website on March 26, 2003, that the importation of edible dry beans into Mexico will now be governed by the Official Mexican Standard NOM-006-FITO-1996 (see below for text of NOM-006) and the Federal Law of Plant Health. NOM-006 establishes the minimum requirements applicable to general situations that imported vegetables, their products and by-products will have to comply with in the absence of a specific official standard. NOM-006 was published in the "Diario Oficial" on February 26, 1996.

The SAGARPA website states that the phytosanitary documentation (Hojas de Requisitos) required by NOM-006 will be changed to reflect the new phytosanitary requirements for dry edible beans from Canada, United States, Nicaragua, and Chile. These are as follows:

1. An International Phytosanitary Certificate must be issued by the corresponding authority in the country of origin and must state the province or state from which the product originated and that the product comes free of soil.
2. A phytosanitary inspection must be carried out at the point of entry.
2. A sample will be taken for testing at a laboratory approved for phytosanitary diagnosis. The samples will be tested for insects, weeds, fungus and bacteria. The costs for this testing will be borne by importers.

Note: Point No. 4 was modified from what was originally listed on SAGARPA's March 26th website to the following:

4. Phytosanitary treatment in the country of origin or at point of entry into Mexico, in conformance with the following specifications:

a) Procedure: T302 (d1) Methyl bromide to normal atmospheric pressure in a chamber or covered with plastic.

Temperature	Dose (g/m ³)	Concentration 0.5 Hours	(g/m ³) after 2.0 Hours	Reading of: 12 Hours
32°C or higher	40	30	20	15
27 – 31 °C	56	42	30	20
21 – 26 °C	72	54	40	25
16 – 20 °C	96	72	50	30
10 – 15 °C	120	90	60	35
4 - 9 °C	144	108	70	40

b) Procedure: T302 (d2) methyl bromide in a chamber of 660 mm.

Temperature	Dose (g/m ³)	Period of Exposure (Hours)
16 °C or higher	128	3.0
4 - 15 °C	144	3.0

When the treatment is applied in the country of origin, the specifications must be noted on the International Phytosanitary Certificate.

Containers: The containers and packages must be new, must be pre-printed with the name and variety of the product, net content of the container, names or trade name and

fiscal address of the producer, packer or associated company, country of origin, identification of the lot and cycle of harvest.

Ports of Entry

Tijuana, Baja California
Nuevo Laredo, Tamaulipas
Ciudad Hidalgo, Chiapas
Manzanillo, Colima
Veracruz, Veracruz

Interested parties will have to present their request of "Hoja de Requisitos" to the General Directorate of Plant Health. For further information on this proceeding, please call 5554-0484 or 5554-8001 exts. 147 and 138.

Trade Implications: The new phytosanitary requirements are expected to enable trade in dry edible beans to resume between the United States and Mexico. U.S. exports of dry edible beans had been stopped effectively since January 22, 2002, when SAGARPA imposed a temporary suspension in the inspection of dry edible beans from the United States and Canada. While this suspension was eventually rescinded, SAGARPA then subsequently published emergency regulation NOM-EM-041-FITO-2003 on April 4, 2003 (see MX3047), which imposed onerous new phytosanitary requirements on imported dry edible beans from the United States, Canada, Argentina, Nicaragua, and Chile. With the May 23, 2003 cancellation of NOM-041 and the establishment of these new phytosanitary requirements for the import documents (*Hojas de Requisitos*) governing NOM-006, dry bean trade is expected to resume.

ANNEX: Text of Report Submitted by Office of Agricultural Affairs in 1996 on the then just recently-published NOM-006:

I. Title: NOM-006-FITO-1995, Minimum requirements to import vegetables, vegetable products and by-products not regulated in a specific Norm

II. Type of Reg.: Official

III. Products Affected: All vegetable products and sub-products not regulated in a specific Norm.

IV. Comment period: none

V. Date regulation takes effect: February 27, 1996.

VI. Important features of the regulation:

i) Other official Mexican Norms that have to be considered in conjunction with this Norm are:

- a) NOM-EM-005-FITO-1994, Foreign quarantine to prevent the entrance and propagation of the Kapra weevil. (Oct. 27, 1994)
- b) NOM-EM-007-FITO-1994, Phytosanitary requirements to import propagative material. (Oct. 24, 1994)
- c) NOM-EM-008-FITO-1994, Phytosanitary requirements to import fruit and vegetables for human consumption. (Oct. 6, 1994)

- d) NOM-EM-009-FITO-1994, Phytosanitary requirements to import cut flowers and fresh foliage. (Oct. 7, 1994)
- e) NOM-EM-010-FITO-1994, Foreign quarantine to prevent the entrance and propagation of banana pests. (Oct. 21, 1994)
- f) NOM-EM-012-FITO-1994, Foreign quarantine to prevent the entrance and propagation of potato pests. (Oct. 20, 1994)
- g) NOM-EM-015-FITO-1994, Foreign quarantine to prevent the entrance and propagation of coconut pests. (Oct. 14, 1994)
- h) NOM-EM-016-FITO-1994, Foreign quarantine to prevent the entrance and propagation of sugar cane pests. (Oct. 17, 1994)
- i) NOM-EM-017-FITO-1994, Foreign quarantine to prevent the entrance and propagation of wheat pests. (Oct. 21, 1994)
- j) NOM-EM-018-FITO-1994, Foreign quarantine to prevent the entrance and propagation of corn pests. (Oct. 21, 1994)
- k) NOM-EM-019-FITO-1994, Foreign quarantine to prevent the entrance and propagation of coffee pests. (Nov. 16, 1994)

VI. Requirements for Imported materials:

4.1. The interested party will present the information on the product to be imported in format CI-02. Format CI-02 requires name of product, packing characteristics, volume, characteristics of product (fresh, dried, frozen, canned, etc.) and ports of entry.

4.2. If the SAGARPA does not have the requirements for the specific product, a risk analysis study will be performed. Format CI-03 must be filled out and the SAGARPA will do the analysis based on:

- a) Risk analysis, based on the information stated in format CI-03 and any other information found in their database.
- b) Risk evaluation, a level of Phytosanitary risk will be determined based on the possible entrance of pests and diseases.
- c) Risk management, Phytosanitary measures and requirements will be determined to minimize the risk.

4.3. The permit will be given or denied in 10 natural days if the risk analysis study is not needed and in a maximum of 120 days if the risk analysis study has to be performed.

4.4. The permit will state the following:

- a) Name (common and scientific) of authorized product
- b) Importation tariff number.
- c) Country of origin.
- d) Phytosanitary documentation required.
- e) Quarantine treatments required.
- f) Additional statements needed in Phytosanitary Certificate.
- g) Additional treatments required at point of entry.
- h) Authorized points of entry into the country.

4.5. If the permit is denied the SAGARPA will state the technical reasons for the denial.

Comments: Basically the regulation is the same as the previous one: NOM-006-FITO-1994. The only changes found are the statement explaining what the risk analysis study consists of and, that in case of denial, the technical reasons will be stated. In the case of a denial where

the technical reasons stated are no longer valid or are not correct, the interested party will be able to appeal the decision.